

**United States Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy
DOI-BLM-UT-Y010-2016-039**

December 2015

Special Recreation Permit for Tom Till Tours

Location: Scenic pull outs and various locations on lands managed by the Moab and Monticello field offices

Applicant/Address: 3160 S Rimrock Road, Moab, UT 84532

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Moab, Utah 84532
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Worksheet

Determination of NEPA Adequacy

U.S. Department of the Interior
Utah Bureau of Land Management

The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

OFFICE: Moab Field Office

PROJECT NUMBER: MFO-Y010-16-014R

PROPOSED ACTION TITLE: Special Recreation Permit for Tom Till Tours

LOCATION/LEGAL DESCRIPTION: Scenic pull outs and various locations on lands managed by the Moab and Monticello Field Offices (see attached list of authorized locations).

APPLICANTS: Tom Till and Dan Norris, 3160 S Rimrock Road, Moab, UT 84532

A. Description of the Proposed Action and Any Applicable Mitigation Measures

Tom Till and Dan Norris, on behalf of Tom Till Tours, have requested authorization through a commercial Special Recreation Permit (SRP) to conduct photography tours and workshops on lands managed by the Moab Field Office. The proposed use would typically be day use only and offered throughout the year. Leave No Trace practices would be followed and all solid human waste and garbage would be packed out. Standard Utah BLM stipulations and the stipulations developed in the referenced Environmental Assessment would be attached to the SRP for Tom Till Tours.

B. Land Use Plan (LUP) Conformance

LUP Name: Moab Resource Management Plan

Date Approved October, 2008

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Page 97 of the Moab RMP reads as follows: "Special Recreation Permits are issued as a discretionary action as a means to: help meet management objectives, provide opportunities for economic activity, facilitate recreational use of public lands, control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors." In addition, on page 98 of the Moab RMP, it states, "All SRPs will contain standard stipulations appropriate for the type of activity and may include stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns....Issue and manage recreation

permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources.”

The Moab Resource Management Plan (RMP), Final Environmental Impact Statement, signed October 31, 2008, identified lands with wilderness characteristics. The proposed use does not include any areas determined to have wilderness characteristics. The proposed activity would not result in any changes in the impacts that were analyzed in the FEIS for the RMP.

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Environmental Assessment DOI-BLM-UT-Y010-2013-0141, Special Recreation Permit for Bret Edge Photography, signed April 25, 2013 analyzed commercial photo tours under the same conditions and in the same locations.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

☒ Yes
☐ No

Documentation of answer and explanation: The existing NEPA document addresses the impacts of permitted commercial photography tours on designated and commonly used routes within the Moab Field Office.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

☒ Yes
☐ No

Documentation of answer and explanation: Environmental Assessments DOI-BLM-UT-Y010-2013-0141 contains analysis of the proposed action and a no action alternative. The environmental concerns, interests, resource values, and circumstances have not changed to a degree that warrants broader consideration.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

☒ Yes
☐ No

Documentation of answer and explanation: The existing analysis and conclusions are adequate as there has been no new information or circumstances presented. It can be reasonably concluded that all new information and circumstances are insignificant with regard to analysis of the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

☒ Yes
☐ No

Documentation of answer and explanation: The direct and indirect impacts are substantially unchanged from those identified in the existing NEPA document. Yes; site-specific impacts analyzed in the existing document are the same as those associated with the current proposed action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

☒ Yes
☐ No

Documentation of answer and explanation: Public involvement for Environmental Assessment DOI-BLM-UT-Y010-2013-0141 included a posting on the ENBB on March 29, 2013 with a 30 day IMP notification. This level of public involvement is sufficient.

E. Persons/Agencies/BLM Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Ann Marie Aubry	Hydrologist	Air quality; Water quality; Floodplains, Wetlands/Riparian Zones
Katie Stevens	Recreation Planner	Areas of Critical Environmental Concern; Recreation, Visual Resources, Wild & Scenic Rivers
Jared Lundell	Archaeologist	Cultural Resources; Native American Religious Concerns
David Williams	Range Management Specialist	Threatened, Endangered, or Candidate Plant Species; Livestock Grazing, RHS, Vegetation
Jordan Davis	Range Management Specialist	Invasive, Non-native species, Woodlands

David Pals	Geologist	Geology, Wastes (hazardous or solid)
ReBecca Hunt-Foster	Paleontologist	Paleontology
Pam Riddle	Wildlife Biologist	Threatened, Endangered, or Candidate Animal Species, Migratory Birds, Utah Sensitive Species, Fish and Wildlife
Bill Stevens	Recreation Planner	Wilderness, Socioeconomics, Lands with Wilderness Characteristics, Natural Areas, Environmental Justice
Jan Denney	Realty Specialist	Lands/Access

CONCLUSION

Plan Conformance:

- ☒ This proposal conforms to the applicable land use plan.
- ☐ This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- ☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.
- ☐ The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

William P. Stevens
Signature of Project Lead

12-9-15
Date

KC Stevens
Signature of NEPA Coordinator

12-9-15
Date

Janet Pals
Signature of the Responsible Official

12/21/15
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

ID Team Checklist
WSA IMP Evaluation


**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD**

Tom Till Tours (Commercial photo tours and workshops)
DOI-BLM-UT-Y010-2016-039 DNA

FONSI: Based on the analysis of potential environmental impacts contained in the present document, I have determined that the action will not have a significant effect on the human environment and an environmental impact statement is therefore not required.

DECISION: It is my decision to issue this commercial Special Recreation Permit to Tom Till Tours for commercial photography instruction and tours in the areas listed under the Proposed Action. This decision is contingent upon meeting all stipulations and monitoring requirements attached.

RATIONALE: The decision to authorize the Special Recreation Permit for Tom Till Tours has been made in consideration of the environmental impacts of the proposed action. The action is in conformance with the Moab Resource Management Plan, which allows for recreation use permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts to such uses upon natural and cultural resources.



Authorized Officer

12/21/15

Date

INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Special Recreation Permit for Tom Till Photography dba Tom Till Tours

NEPA Log Number: DOI-BLM-UT-Y010-2016-039 DNA

File/Serial Number: MFO-Y010-16-014R

Project Leader: Bill Stevens

DETERMINATION OF STAFF: *(Choose one of the following abbreviated options for the left column)*

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for relevant impact that need to be analyzed in detail in the EA

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

The following elements are not present in the Moab Field Office and have been removed from the checklist:
Farmlands (Prime or Unique), Wild Horses and Burros.

Determi- nation	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
NC	Air Quality Greenhouse Gas Emissions		Ann Marie Aubry <i>AMA</i>	12.8.15
NC	Floodplains		Ann Marie Aubry <i>AMA</i>	12.8.15
NC	Soils		Ann Marie Aubry <i>AMA</i>	12.8.15
NC	Water Resources/Quality (drinking/surface/ground)		Ann Marie Aubry <i>AMA</i>	12.8.15
NC	Wetlands/Riparian Zones		Ann Marie Aubry <i>MA</i>	12/8/15
NC	Areas of Critical Environmental Concern		Katie Stevens <i>KS</i>	12/8/15
NC	Recreation		Katie Stevens <i>KS</i>	12/8/15
NC	Wild and Scenic Rivers		Katie Stevens <i>KS</i>	12/8/15
NC	Visual Resources		Katie Stevens <i>KS</i>	12/8/15
NC	BLM Natural Areas		Katie Stevens <i>Bill Stevens</i>	12-8-15
NC	Socio-Economics		Bill Stevens <i>BS</i>	12-8-15
NC	Lands with Wilderness Characteristics	<i>IMP 1</i>	Bill Stevens <i>BS</i>	12-8-15
NC	Wilderness/WSA	<i>IMP provided</i>	Bill Stevens <i>BS</i>	12-8-15

Determination	Resource	Rationale for Determination*	Signature	Date
NC	Cultural Resources		Jared Lundell <i>JD</i>	12-8-15
NC	Native American Religious Concerns		Jared Lundell <i>JD</i>	12-8-15
NC	Environmental Justice		Bill Stevens <i>BS</i>	12-8-15
NC	Wastes (hazardous or solid)		<i>RD for Pamph</i> David Pals	12/8/2015
NC	Threatened, Endangered or Candidate Animal Species		Pam Riddle <i>PR</i>	12/8/15
NC	Migratory Birds		Pam Riddle <i>PR</i>	12/8/15
NC	Utah BLM Sensitive Species		Pam Riddle <i>PR</i>	12/8/15
NC	Fish and Wildlife Excluding USFW Designated Species		Pam Riddle <i>PR</i>	12/8/15
NC	Invasive Species/Noxious Weeds		<i>JD</i> Jordan Davis	12/8/15
NC	Threatened, Endangered or Candidate Plant Species		<i>DW</i> David Williams	12/8/15
NC	Livestock Grazing		<i>DW</i> Jordan Davis, David Williams, Kim Allison	12/8/15
NC	Rangeland Health Standards		<i>DW</i> Jordan Davis, David Williams, Kim Allison	12/8/15
NC	Vegetation Excluding USFW Designated Species		Jordan Davis, David Williams, Kim Allison <i>DW</i>	12/8/15
NC	Woodland / Forestry		Josh Relph <i>JR</i>	12/8/15
NC	Fuels/Fire Management		Josh Relph <i>JR</i>	12/8/15
NC	Geology / Mineral Resources/Energy Production		David Pals <i>RD</i> <i>SD</i>	12/8/2015
NC	Lands/Access		Jan Denney	
NC	Paleontology		<i>RKHF</i> Rebecca Hunt-Foster	12/8/15

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	Katie Stevens <i>KS</i>	12/10/15	
Authorized Officer	Rock Smith <i>RS</i>	12/21/15	

**WILDERNESS INTERIM MANAGEMENT
IMPAIRMENT/NON-IMPAIRMENT EVALUATION FORM**

With the passing of the deadline for completion of reclamation activities in September of 1990, only temporary, non-surface-disturbing actions that require no reclamation; grandfathered uses, and actions involving the exercise of valid existing rights can be approved within WSA's. The reference document for evaluators and managers is Manual 6330, Management of Wilderness Study Areas (July, 2012).

DESCRIPTION OF ACTION

Name of action: DOI-BLM-UT-Y010-2016-039

Proposed Action: X Alternative Action: _____ (check one)

Proposed by: Tom Till Tours

Description of action: Tom Till Tours has requested a Special Recreation Permit (SRP) to conduct commercial photography tours on lands administered by the Moab Field Office. Individual photo tours would be on an on-call basis, and would involve 1-4 clients, with one guide. Tours typically would be at the low end of this range. Standard Utah BLM stipulations to ensure resource protection and public safety would be attached to this SRP. Two of the requested locations would be in Behind the Rocks (Moonflower Canyon) and Negro Bill Canyon, both all which are within Wilderness Study Areas (WSA). *The only portions of the permit to be analyzed in this document are those trip segments which lie within the Behind the Rocks and Negro Bill Canyon WSA's.*

Locations: Moonflower Canyon and the maintained hiking trail in Negro Bill Canyon.

What BLM WSAs are included in the area where the action is to take place?

Behind the Rocks, Negro Bill Canyon

VALID RIGHTS OR GRANDFATHERED USES (if any)

Is lease, mining claim, or grandfathered use pre-FLPMA? _____ Yes X No

If yes, give name or number of lease(s), mining claim(s) or grandfathered use and describe use or right asserted:

Has a valid existing right been established? _____ Yes X No

EVALUATION OF POTENTIAL FOR IMPAIRMENT OF WILDERNESS VALUES

Is the action temporary and non-surface disturbing? X Yes _____ No

If yes, describe why action would be temporary and non-surface disturbing and identify the planned period of use:

Activity would consist of guided photo tours in the aforementioned locations. The workshops would be on commonly used popular routes in the front country of the respective WSA's. The hike in Negro Bill Canyon is on a heavily used marked and maintained trail. The hike in Moonflower Canyon is on the edge of the WSA, and is located immediately adjacent to a paved road and BLM campground. Participants are required to limit all activities to these trails. Commercial activities, including hiking and photography, are permitted uses in wilderness, including WSA's. The Wilderness Act states: "Commercial

activities may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas." Manual 6330, Management of Wilderness Study Areas (July, 2012) states that most recreational activities are allowed within WSA's.

Failure to adhere to the permit's stipulations could result in non-renewal by the BLM's Administrative Officer.

When the use, activity, or facility is terminated, would the area's wilderness values be degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness?

Naturalness: Effects to the natural environment would center on trails and where hikers would travel. Temporary impacts could involve soils and vegetation. Both locations, however, are either on maintained trails, old roadways or heavily used primitive trails.

Naturalness as an ingredient in wilderness is defined as lacking evidence of man's impacts on a relatively permanent basis. None of the potential effects described above would affect significantly this aspect of naturalness essential to wilderness character.

Outstanding Opportunities for Solitude: This activity would not decrease opportunities for solitude relative to their current status. All three tours would take place in portions of the WSA as identified in the original wilderness inventory as front-country locations not necessarily providing such opportunities.

Outstanding Opportunities for Primitive and Unconfined Recreation: There is no reason to believe that the proposed action will reduce these opportunities. There are no plans for trail construction or other modifications of the area. All three tours would take place in portions of the WSA as identified in the original wilderness inventory as front-country locations not necessarily providing such opportunities.

Optional Supplemental values: No perceived negative impacts. The 1991 *Utah Statewide Wilderness Study Report* identified several special features. These included threatened and endangered animal and plant species that may occur in the WSAs. The report also identified scenic geological features, a perennial stream with several waterfalls, and outstanding examples of prehistoric rock art.

Considered cumulatively with past actions, would authorization of the action impair the area's wilderness values? Yes X No

Rationale: Commercial activities are permitted not only in WSA's, but in officially-designated wilderness.

RESULTS OF EVALUATION

Non-impairment Standard

The only actions permissible in study areas are temporary uses that do not create surface disturbance, require no reclamation, and do not involve permanent placement of structures. Such temporary or no-trace activities may continue until Congress acts, so long as they can be terminated easily and immediately.

The only exceptions to the non-impairment standard are:

- 1) emergencies such as suppression activities associated with wildfire or search and rescue operations,
- 2) reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies;
- 3) uses and facilities which are considered grandfathered or valid existing rights as defined in H-8550-1,
- 4) uses and facilities that clearly protect or enhance the land's wilderness values or that are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values, and
- 5) reclamation of pre-FLPMA impacts.

MAJOR CONCLUSION OF NON-IMPAIRMENT EVALUATION

Action clearly fails to meet the non-impairment standard or any exceptions, e.g. VER, and should not be allowed: ☐ Yes ☒ No

Action appears to meet the non-impairment standard: ☒ Yes ☐ No

Action may be allowable, pre-FLPMA grandfathered use: ☐ Yes ☐ No ☒ N/A

Action may be allowable, pre-FLPMA VER: ☐ Yes ☐ No ☒ N/A

OTHER CONCLUSIONS

Restrictions proposed may unreasonably interfere with pre-FLPMA rights or grandfathered uses: ☐ Yes ☐ No ☒ N/A

Reasonable measures to protect wilderness values and to prevent unnecessary or undue degradation of the lands are incorporated: ☒ Yes ☐ No ☐ N/A

Environmental Assessment required: ☒ Yes ☐ No

Plan of Operations Required: ☒ Yes ☐ No ☐ N/A

Discovery verification procedures recommended: ☐ Yes ☐ No ☒ N/A

Consider initiating reclamation through EA: ☐ Yes ☐ No ☒ N/A

RELATED ACTIONS

Dated copy of Electronic Notification Board notice attached to case file: ☒ Yes ☐ No

Media notification appropriate: (optional) ☐ Yes ☒ No

Federal Register Notice appropriate: (optional) ☐ Yes ☒ No

Information copy of case file sent to USO-933: ☐ Yes ☒ No

Evaluation prepared by: William P. Stevens December 9, 2015
Name (s) Date